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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/670,866 | 09/25/2003 | David W. Beckstrom | F-677 | 5796 |

7590

11/24/2004

Pitney Bowes Inc.
Intellectual Property and
Technology Law Department
35 Waterview Drive, P.O. Box 3000
Shelton, CT 06484

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| EXAMINER |
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PURVIS, SUE A

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| ART UNIT | PAPER NUMBER |
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1734

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,866

Applicant(s)

BECKSTROM, DAVID W.

Examiner

Sue A. Purvis

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-23 is/are allowed.
- 6) ☒ Claim(s) 1 and 8-18 is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 25 Sept 2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 9 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 9 recites the limitation "the fins" in line 3. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 18 recites the limitation "the brush" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 8, 9, 14, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmaling (US Patent No. 5,006,194).

Schmaling discloses a device for moistening an envelope flap with a reservoir (24) for holding a moistening fluid; an applicator (16) mounted above the reservoir for applying the moistening fluid to the envelope flap; and a fluid transfer member (24), mounted for rotation about a horizontal axis such that a portion of the fluid transfer member is

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submerged in the moistening fluid, for transferring moistening fluid from the reservoir to the applicator while the transfer member rotates.

Regarding claim 8, the applicator is a brush (16).

Regarding claim 9 and 18, the brush pivots between the fluid transfer member and the envelope to moisten it.

Regarding claim 14, the envelope path is defined by feed rollers and belts shown clearly in Figure 2.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-13, 16, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Schmaling as applied to claim 1 above, and further in view of O'Dea et al. (US Patent No. 5,007,371).

Schmaling discloses a drive means (28) but does not detail a control means connected to the drive means for driving the transfer member. Schmaling does suggest changing the speed of the drive roller to vary the quantity of water delivered.

O'Dea suggests controlling the liquid supply using a control mechanism, such as microcomputer (205).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a control means, such as a computer, to control the liquid supply, thus controlling the drive roller of the transfer member in Schmaling, because as

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shown in O'Dea, such control schemes are known to be used in devices for moistening envelopes. Furthermore, controlling is known to be advantageous because it minimizes waste by applying a sufficient amount of liquid, but not too much.

Regarding claim 11, the device of Schmaling in view of O'Dea is capable of basing the rotation of the transfer member and thus the liquid supply on either the rate the envelopes are fed or the size of the envelope, because the control system of O'Dea monitors both of those items.

Regarding claims 12 and 17, O'Dea includes a flap profile sensor which is an environmental condition, because the profile of the envelope will change based on the size and shape of the envelope fed and the sensor is capable of being used by the control means in Schmaling in view of O'Dea.

Regarding claim 13, the flap sensor measures the area of the flap to be moistened and is thus also capable of acting as a means for detecting the length of an envelope, which varies based on the flap and the moistening area.

Allowable Subject Matter

9. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 19-23 are allowed.
11. The following is an examiner's statement of reasons for allowance:
 - a. Prior art fails to teach a fluid transfer member as detailed in claim 2 for use in the device of claim 1 and there is no reason or suggestion for modifying Schmaling to include features, such as pairs of opposed vertical surfaces.
 - b. Regarding claims 19-23, prior art fails to teach or suggest the device of claim 19 which includes details of the fluid transfer member not disclosed in Schmaling.

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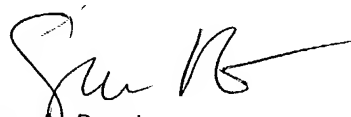
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sue A. Purvis
Primary Examiner
Art Unit 1734

SP
November 15, 2004